



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 5829-99

10 November 1999

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) HQMC Memo 1741 MMSR-6 of 2 Nov 99
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Marine Corps Reserve filed enclosure (1) with this Board requesting, in effect, that his record be corrected to show that he transferred to the Retired Reserve vice being discharged on 28 February 1999.

2. The Board, consisting of Mr. Milner, Ms. Humberd and Ms. Taylor, reviewed Petitioner's allegations of error and injustice on 9 November 1999 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner was issued a Notification of Eligibility for Retired Pay at Age 60 on 11 May 1992. However, he continued to serve. On 1 March 1997 he reenlisted in the Marine Corps Reserve for two years in the grade of MGYSGT. The record shows that he was honorably discharged on 28 February 1999 at the expiration of his enlistment.

d. At enclosure (2) is an advisory opinion from Headquarters Marine Corps which recommends that Petitioner's record be corrected to show that he transferred to the Retired Reserve effective 1 February 1999.

e. The Board is aware that the Uniform Retirement Date Act,

5 U.S.C. 8301, requires that the effective date of any retirement be the first day of the month.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that Petitioner was in good standing in the Marine Corps Reserve and would have been retired if he had requested it. Therefore, the Board agrees with the recommendation contained in the advisory opinion and concludes that the record should be corrected to show that he transferred to the Retired Reserve in the grade of MGYSGT on 1 February 1999.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand his status in the Retired Reserve.

RECOMMENDATION:

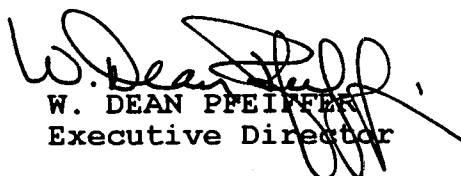
- a. That Petitioner's record be corrected to show that he transferred to the Retired Reserve in the grade of MGYSGT on 1 February 1999.
- b. That this Report of Proceedings be filed in Petitioner's naval record.
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director